

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LAWRENCE STEPHENS, JR.,	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO. H-06-508
	§	
CANN, Galveston County Sheriff Deputy,	§	
Defendant.	§	

OPINION ON DISMISSAL

Plaintiff, a *pro se* federal inmate filed this civil rights complaint under 42 U.S.C. Section 1983. (Docket Entry No.1). Plaintiff alleges that on January 27, 2006, Galveston County Sheriff's Deputy Cann made an unprofessional statement to him that constitutes a terroristic threat. Plaintiff seeks compensatory damages for the "emotional stability" the statement caused him and to have Deputy Cann terminated from employment. (*Id.*).

A verbal insult or threat in the prison context, without more, does not amount to an unconstitutional violation and is not actionable under 42 U.S.C. § 1983. *Siglar v. Hightower*, 112 F.3d 191, 193 (5th Cir. 1997). Therefore, Deputy Cann's allegedly threatening language will not support a claim for a violation of plaintiff's constitutional rights. Moreover, the Court lacks authority to order the termination of Deputy Cann's employment.

Accordingly, plaintiff's civil rights complaint is DISMISSED, with prejudice, as frivolous pursuant to 28 U.S.C. § 1915A. To the extent that plaintiff seeks to proceed *in forma pauperis*, such request (Docket Entry No.3) is DENIED. All other pending motions are DENIED as moot.

SIGNED at Houston, Texas, on April 21, 2006.


MELINDA HARMON
UNITED STATES DISTRICT JUDGE